

REMARKS

Claims 1-15 are pending in this application. Claims 1, 2, 6, 7, 11, and 12 stand rejected. Applicants gratefully acknowledge the Examiner's indication that claims 3-5, 8-10, and 13-15 contain allowable subject matter. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1, 2, 6, 7, 11, and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,339,585 ("Hulyalkar"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

In the present application, when a fault occurs at an access point, the client terminal connected to this access point is disconnected. Instead of connecting the disconnected client terminal to another access point, the system connects the client terminal to another client terminal. Thus, the disconnected client terminal is connected to another access point.

Claim 1 requires “a connection controlling unit for connecting said disconnected client terminal to said search client terminal by said search controlling unit.” It should be noted that the connection controlling unit is part of the client terminal. Claims 6 and 11 are method claims which require “searching for, by said disconnected client terminal, another of said client terminals to which said disconnected client terminal is to be connected; and connecting said disconnected client terminal to said search client terminal.” These limitations are not disclosed in the Hulyalkar reference.

In Hulyalkar, a central controller CC controls the connections between wireless terminals and base stations as well as wireless terminals and temporary forwarder nodes. In the ad hoc networks, such as the ones shown in Figure 2a and 2b, the central controller controls the signaling and control information and available slot allocation and the data information between the wireless terminal and the central controller that is distributed. Each wireless terminal piggy-backs its control information to the central controller where it specifies the number of slots requested for the next control data frame. The central controller collects all the information and allocates slots to the requesting wireless terminals depending on parameters. When the wireless terminal does not acknowledge the central controller, the central controller transmits information to a temporary forwarding network and the temporary forwarding network attempts to contact the wireless terminal. When the wireless terminal acknowledges the temporary forwarding network, communication signals are transmitted through the temporary forwarding network (see Figure 12a). The wireless terminal in Hulyalkar does not connect to another point in the network independent of the central controller as explicitly recited in Applicant’s claim. Therefore, Hulyalkar fails to anticipate Applicant’s claim.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: October 8, 2003

Respectfully submitted,

By
Ian R. Blum

Registration No.: 42,336
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant

IRB/mgs